THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 28-11-2005

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WRIT PETITION No.19395 of 2005

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Between:

G.Bal Raj . . .Petitioner

And

The District Cooperative Officer, Medak,

and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19395 of 2005

O R D E R:

The petitioner is employed as a Secretary in the third respondent society. Through orders, dated 24-05-2003, the third respondent placed the petitioner under suspension for a period of three months on certain allegations. Thereafter, the third respondent issued a show cause notice, dated 25-06-2005, to the petitioner directing him to explain as to why he shall not be terminated

from service, since it has emerged during the enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act (for short “the Act”) that he misappropriated a sum of Rs.1,73,422/-. He claims to have submitted his explanation on 09-07-2005. He challenges the action of the respondents in contemplating to remove him from service without even paying the subsistence allowance for the period, during which he was kept under suspension.

This Court ordered notice before admission.

Learned counsel for the petitioner urged several contentions touching on the merits of the matter. He submits that there was no justification for the respondents in keeping the petitioner under suspension for such a long period, that too, without paying the subsistence allowance and proposing to terminate his services, even while the appeal in relation to the surcharge proceedings is pending.

Learned Government Pleader for Cooperation, on instructions, submits that during the course of statutory enquiry under Section 51 of the Act, it emerged that the petitioner misappropriated a sum of Rs.1,73,422/- and a show cause notice was already issued directing him to explain as to why he shall not be terminated from the service. It is also contended that the delay in concluding the disciplinary proceedings is on account of
non-cooperation of the petitioner.

It is a matter of record that the petitioner was issued a show cause notice, dated 25-06-2005. On receiving the same, the petitioner submitted his explanation, dated 09-07-2005. Now, the stage is set for the respondents to consider the explanation submitted by the petitioner and to decide further course of action. Having regard to the fact that the petitioner is under suspension for the last about three years, the matter cannot brook any further delay.

Therefore, the writ petition is disposed of directing the respondents and in particular, third respondent to conclude the disciplinary proceedings initiated against the petitioner, within a period of two months from the date of receipt of a copy of this order. They shall also decide as to the entitlement of the petitioner to be paid the subsistence allowance for the period, during which he was kept under suspension. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

28th NOVEMBER, 2005.

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